

REMARKS

Claims 1, 3-4, 6-7, 9-10, 13-16, 18-24, and 26-27 are pending in the subject application. In the present Office Action, all pending claims stand rejected under 35 U.S.C. § 112, first paragraph, for asserted lack of enablement. Applicant respectfully traverses the rejections of record as set forth herein.

Rejection under 35 U.S.C. § 112, First Paragraph

Claims 1, 3-4, 6-7, 9-10, 13-16, 18-24, and 26-27 stand rejected under 35 U.S.C. § 112, first paragraph, as lacking enablement. The Examiner states that the specification does not provide enablement for making resistant starch that has a whiteness level above 65 using the claimed conditions. Applicant traverses this rejection for the reasons set forth herein.

Applicant submits that the specification and claimed process fully enables the synthesis of resistant starch having whiteness levels of at least 65. As evidence, Applicant submits herewith the Declaration under 37 C.F.R. §1.132 of James McClain, the named inventor of the subject application. In the Declaration, Mr. McClain clearly establishes that resistant starch can achieve a whiteness level of at least 65 at reaction temperatures of 140°C to 180°C utilizing the process claimed in the subject application. Mr. McClain also submits experimental results showing that resistant starch having a whiteness level varying from 68 to 80 was obtained in yields of 45.0% to 54.4% at 140°C using the process claimed in the subject application (See Declaration, Exhibit A). Mr. McClain further submits experimental results showing that resistant starch having whiteness levels ranging from 65 to 73 were obtained in yields of 53.2% to 63.2% at 170°C (See Declaration, Exhibit B). In the Declaration, Mr. McClain further states that it is his belief as one skilled in the art, based on the experimental results, that resistant starch having whiteness levels of at least 65 can be obtained using the process claimed in the subject application at any temperature within the claimed range including temperatures of 180°C.

Hence, Applicant has established that resistant starch having a whiteness level of at least 65 can be obtained using methods taught in the subject application, as

demonstrated in the Declaration of James McClain under 37 C.F.R. §1.132. Further, the experimental data provided in the Exhibits submitted with the Declaration indicate that the claimed process fully enables one having ordinary skill in the art to practice the invention. Full consideration of the Declaration and Exhibits is requested. In view of the Declaration, Exhibits and Remarks herein, withdrawal of the rejection under 35 U.S.C. § 112, first paragraph is respectfully requested.

CONCLUSION

Applicant submits that claims 1, 3-4, 6-7, 9-10, 13-16, 18-24, and 26-27 of the subject application recite novel and non-obvious methods for producing a resistant starch. In view of the Declaration under 37 C.F.R. §1.132, the Exhibits, and the remarks presented above, Applicant respectfully submits that the subject application is in condition for allowance. Accordingly, reconsideration of the rejection and allowance of all pending claims is earnestly solicited.

If the undersigned can be of assistance to the Examiner in addressing issues to advance the application to allowance, please contact the undersigned at the number set forth below.

Respectfully submitted,



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